

### **REMARKS**

Claims 82-112 are pending, with claims 82, 97, and 112 being independent. The combination of features recited by claims 82-112 distinguishes over the references of record. In view of the present remarks, reconsideration and allowance of this application are respectfully requested.

#### **35 U.S.C. § 102(e) Alexander Rejection**

Claims 82-96 were rejected under 35 U.S.C. § 102(e) as being anticipated by Alexander (U.S. Patent No. 6,177,931). This rejection is respectfully traversed.

Independent claim 82 is directed to a method of presenting content and recites, among other features, "determining a local day-part appropriate for the geographic location" and "designating a content source from among the two or more content sources based upon the determined local day-part." Applicants respectfully submit that Alexander is silent with regard to at least these features of claim 82.

Alexander describes an electronic program guide (EPG) that uses user profile information of a viewer ("viewer profile information") in order to customize various aspects of the EPG. Viewer profile information is collected to create a user profile for a viewer ("viewer profile"). Col. 28, lines 10-21. For example, the viewer profile information may be collected from the viewer or may be collected by recording the interactions of the viewer with the EPG. Col. 28, line 12 to col. 29, line 11. The viewer profile information may include: the viewer's zip code; television, cable, and satellite services to which the viewer subscribes; the length of the subscriptions; the type of television; the age of the television; where the television was purchased; the viewer's top favorite channels; the viewer's favorite types of programs; and the times during which the viewer is most likely to watch television. Col. 28, lines 12-19. The viewer profile information then may be analyzed to determine the likelihood that the viewer would be interested in a particular subject, product, theme, movie or episode based upon comparisons with other similar viewer profiles. Col. 29, line 12 to col. 30, line 44.

Alexander further describes that the viewer profile information is used to customize various aspects of the EPG. Col. 30, lines 45-51. For example, the order of channel slots presented in the grid guide of the EPG may be customized based upon the viewer profile information so as to present the viewer's favorite channels at the top/beginning of the grid guide in descending order, according to the viewer's profile. Col. 30, lines 53-58. In one embodiment, the order of the channel slots is customized according to the day of the week and time of day, according to the viewer's profile. Col. 30, lines 59-61. For instance, if a viewer frequently watched Nick at Nite on weekday evenings from 7 pm to 10 pm, then the EPG automatically tunes the television to the appropriate Nick at Nite channel from 7 pm until 10 pm on weekday evenings and formats the grid guide to show the Nick at Nite channel as the first channel in the grid guide. Col. 30, lines 61-67.

However, Alexander does not describe or suggest determining a local day-part appropriate for a geographic location and designating a content source from among the two or more content sources based upon the determined local day-part. Instead, Alexander customizes an EPG based on user profile information. In Alexander, two different users having the same geographic location and the same day-part would be presented with two different EPGs based upon two different user profiles. Thus, Alexander fails to address at least the "day-part" feature of claim 82.

Claims 83-96 depend from claim 82 and are believed to be allowable for at least the reasons given for claim 82.

As Alexander does not describe each and every element of claims 82-96, it cannot serve as a basis for valid rejection under Section 102. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 82-96.

### **35 U.S.C. § 103(a) Alexander Rejection**

Claims 97-112 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander. This rejection is respectfully traversed.

Independent claim 97 is directed to a computer program and recites, similarly to claim 82 and among other features, "determining a local day-part appropriate for the geographic location" and "designating a content source from among the two or more content sources based upon the determined local day-part." As discussed above with respect to claim 82, Alexander does not teach or suggest at least these features of claim 97.

Claims 98-111 depend from claim 97 and are believed to be allowable for at least the reasons given for claim 97.

Independent claim 112 is directed to a computer program and recites, similarly to claim 82 and among other features, "means for determining a local day-part appropriate for the geographic location" and "means for designating a content source from among the two or more content sources based upon the determined local day-part." As discussed above with respect to claim 82, Alexander does not teach or suggest at least these features of claim 82.

It is respectfully submitted that Alexander does not establish a *prima facie* case of obviousness with regard to claims 97-112. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

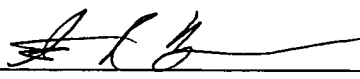
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Enclosed is a \$420.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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